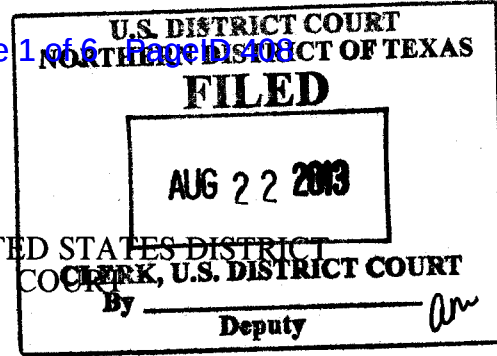


ORIGINAL



CIVIL ACTION NO. 3:11-CV-0922-G

COLORADO MEADOWLARK CORP.,
Plaintiffs,

v.

SAGE PHYSICIAN PARTNERS, INC. et al,
Defendants,

AMERICAN BANK OF TEXAS,
Financial Institution

IN THE UNITED STATES DISTRICT COURT
By _____ Deputy

NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

**AMERICAN BANK OF TEXAS'S ORIGINAL ANSWER TO
NOTICE OF APPOINTMENT OF RECEIVER**

COMES NOW AMERICAN BANK OF TEXAS (hereinafter referred to as "Bank"), and files this its Original Answer to the Notice of Appointment of Receiver issued by the Court on July 9, 2013, and received by the Bank on August 12, 2013, and in said Answer would show the Court and the Receiver the following:

I.

Notice of the appointment of Brent J. Rodine as the receiver was served on the Bank on August 12, 2013.

II.

On that date Bank was indebted to PATHOS HEALTH SOLUTIONS, LLC, as follows:

1. Small Business Account No. [REDACTED] 480
Style of Account: Pathos Health Solutions, LLC
Balance on August 12, 2013: \$955.25

Attached hereto as **Exhibit A** is the Customer Profile on the account as of August 12, 2013.

III.

On that date, Bank was not indebted to, nor in possession of any effects belonging to Pathos Health Solutions, LLC., or any other of the listed affiliates, other than the specific account listed above.

IV.

In accordance with the terms and provisions of the Order Appointing the Receiver, the Bank has now complied with the requests by the Receiver by providing the above account information and freezing the account.

V.

The Bank has engaged an attorney at law to represent it in this proceeding. Bank has contracted to pay a reasonable attorney's fees, as well as costs, which the Bank is entitled to recover in accordance with the terms and provisions of its account agreements.

WHEREFORE, American Bank of Texas requests:

1. That all claims to the funds on deposit be determined and adjudicated, and that Bank be discharged from all liability to either its customer respecting the deposits in question.
2. That Bank recover against its customers reasonable and necessary costs and expenses, including attorney's fees.
3. For such other and further relief to which Bank may show itself to be justly entitled.

Respectfully submitted,

SCOTT PELLEY, P.C.
707 West Washington
P.O. Box 2228
Sherman, Texas 75091-2228
Telephone: 903/893-8177
Telecopier: 903-487-4514

By: 


Scott Pelley
State Bar No. 15732300

ATTORNEYS FOR AMERICAN BANK OF TEXAS

THE STATE OF TEXAS)

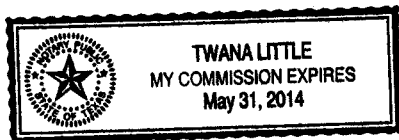
COUNTY OF GRAYSON)

BEFORE ME, the undersigned notary public, on this day personally appeared Scott Pelley, who being by me duly sworn on his oath deposed and said that he is the attorney for the above-named Bank in the above-entitled and numbered cause; that he has read the above and foregoing answer; that every statement contained therein is within his personal knowledge and is true and correct.



Scott Pelley

SUBSCRIBED AND SWORN TO before me by the said Scott Pelley on this the 19th day of August, 2013, to certify which witness my hand and seal of office.





Notary Public, State of Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing pleading has been served upon the following parties, as indicated, on this 19th day of August, 2011:

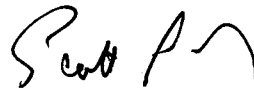
Brent J. Rodine, Receiver
Quilling Selander Lownds
Winslett & Moser, P. C.
2001 Bryan Street, Suite 1800
Dallas, Texas 75201
214-871-2100 telephone
214-871-2111 fax

() Certified Mail, Return Receipt Requested, prepaid;
() First-Class, prepaid; (☒) Telecopier Transmission;
() Hand Delivery; () Email

Receiver

Pathos Health Solutions, LLC
5727 W. Hanover Ave
Dallas, Texas 75209

() Certified Mail, Return Receipt Requested, prepaid;
(☒) First-Class, prepaid; () Telecopier Transmission;
() Hand Delivery; () Email



Scott Pelley

Silverlake Browser Interface

Case 3:11-cv-00922-G Document 43 Filed 08/22/13 Page 4 of 6 PageID 411

Desktop | Home
8/12/2013 3:09 PM

PRINT FORM | PRINT ISERIES FORM | VIEW MESSAGES

Deposit Inquiry For PAA1523
PATHOS HEALTH SOLUTIONS LLC

PREVIOUS < | SUBMIT > | EXIT X

FREE SMALL BUSINESS

SPECIAL MESSAGES. >

Messages: PassPort ATM/Dr Card

PAGE FUNCTIONS

Functions | Expanded

Customer Profile | Account | Balances | Bank Internal | OD Notice | Reporting | Special Information

ADDL FUNCTIONS

SWEEP INQUIRY

HISTORY

MESSAGES

MAINTENANCE

RELATIONSHIPS

STOPS/HOLDS

MEMO POST

MUTUAL SWP INQ

AFT INQUIRY

FEEs

TRANSFER

OFFICER LIST

SPLIT/TIERED

OVERDRAFT PROT

MORE FUNCTIONS

Address

PATHOS HEALTH SOLUTIONS LLC
5727 W HANOVER AVE
DALLAS TX 75209

Account FREE SMALL BUSINESS
Branch 018
Tax ID number [REDACTED]

Birth date

Mailing instructions

Contact information

Home telephone (214) 557-4527
Business telephone (000) 000-0000

Customer specific information codes

User code

Check guarantee /ATM No No

Special instruction code Preferred Language ENGLISH

PREVIOUS < | SUBMIT > | EXIT X

Copyright 1992-2013 Jack Henry & Associates, Inc.

SILVERLAKE SYSTEM

The following fields are displayed on this screen for inquiry purposes.

Available balance - The field will display the current available balance for this account.

Date last active - The date of last activity will be displayed in this field.

Collected balance - The current collected balance for the selected account will be displayed in this field.

Learn more >

export

EXHIBIT A

PRIMEFORM

PRINT SERIES FORM

VIEW MESSAGES

Deposit Inquiry For PAA1523
PATHOS HEALTH SOLUTIONS LLC

PREVIOUS < SUBMIT > EXIT X

FREE SMALL BUSINESS

PAGE FUNCTIONS

Functions Expanded

ADDL FUNCTIONS

SWEEP INQUIRY

HISTORY

MESSAGES

MAINTENANCE

RELATIONSHIPS

STOPS/HOLDS

MEMO POST

MUTUAL SWP INQ

AFT INQUIRY

FEES

TRANSFER

OFFICER LIST

SPLIT/TIERED

OVERDRAFT PROT

MORE FUNCTIONS

Messages PassPort ATM/Dr Card

Customer Profile Account Balances Bank Internal OD Notice Reporting Special Information

Available Balance:	955.25		
Collected balance	955.25	Closing balance	955.25
Current balance	955.25		
Yesterday's balance	955.25		
Last statement balance	955.25	Override available balance table	
Avg collected balance	955.25	Avg ledger balance	955.25
Quarterly average balance information			
Average ledger balance - current quarter		1,019.19	
Average ledger balance - prior quarter 1		1,873.66	
Average ledger balance - prior quarter 2		1,424.41	
Average ledger balance - prior quarter 3		2,884.49	
Average collected balance - current quarter		1,019.19	
Average collected balance - prior quarter 1		1,873.66	
Average collected balance - prior quarter 2		1,369.97	
Average collected balance - prior quarter 3		2,726.88	

PREVIOUS < SUBMIT > EXIT X

The following fields are displayed on this screen for inquiry purposes.

Available balance - The field will display the current available balance for this account.

Date last active - The date of last activity will be displayed in this field.

Collected balance - The current collected balance for the selected account will be displayed in this field.

[Learn more >](#)

export

Copyright 1992-2013 Jack Henry & Associates, Inc.

SILVERLAKE
SYSTEM

[PRINT FORM](#) [PRINT SERIES FORM](#) [VIEW MESSAGES](#)DEPOSIT INQUIRY For
PATHOS HEALTH SOLUTIONS LLC[PREVIOUS <](#) [SUBMIT >](#) [EXIT X](#)

PAA1523

PAGE FUNCTIONS

> ALL ACCOUNTS

> DETAIL

Collateral	Message	Expiration Date	User Code
	AUTHORIZED SIGNERS ARE DAN Y SAGE OR KIRK R SHORT	0/00/00	

[LAST PAGE >](#)[PREVIOUS](#)[PREVIOUS <](#) [SUBMIT >](#) [EXIT X](#)